

# **EXHIBIT A**

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**From:** Griffin, Gerald  
**Sent:** Monday, May 26, 2025 6:57 PM  
**To:** Ty W. Callahan  
**Cc:** Paul J. Molino; sbrauerman@bayardlaw.com; rgolden@bayardlaw.com; Basrawi, Jodutt M.; Trivigno, Leonardo; Spelman, Meredith B.; David E. Moore; Bindu A. Palapura; Andrew M. Moshos; Katie A. Boda; Eric R. Hunt; Claude Vandevender; Matthew D. Zapadka; Kwon, Janice J.  
**Subject:** Re: Kaneka v. DFH -- Expert Depositions & Pretrial Exchanges

Ty,

We will send you an invite, thanks.

Gerry

On May 26, 2025, at 6:36 PM, Ty W. Callahan <TCallahan@rmmslegal.com> wrote:

Gerry,

We have spoken to Dr. Banakar again regarding his schedule. In short, his schedule is extremely busy and June 4 remains the date we believe we can offer for his deposition. Any other dates prior to trial are unavailable based on Dr. Banakar's schedule and/or are dates that we do not believe are reasonable, viable options given, among other factors, the scheduling order and surrounding, pre-existing commitments. We can be available to meet and confer on this tomorrow (May 27) at 230 pm ET.

Regards,

Ty

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**From:** Griffin, Gerald <griffin@clm.com>  
**Sent:** Saturday, May 24, 2025 5:38 PM

**To:** Ty W. Callahan <TCallahan@rmmslegal.com>

**Cc:** Paul J. Molino <paul@rmmslegal.com>; sbrauerman@bayardlaw.com; rgolden@bayardlaw.com; Basrawi, Jodutt M. <basrawi@clm.com>; Trivigno, Leonardo <Trivigno@clm.com>; Spelman, Meredith B. <spelman@clm.com>; David E. Moore <dmoore@potteranderson.com>; Bindu A. Palapura <bpalapura@potteranderson.com>; Andrew M. Moshos <amoshos@potteranderson.com>; Katie A. Boda <kboda@rmmslegal.com>; Eric R. Hunt <ehunt@rmmslegal.com>; Claude Vandevender <cvandevender@rmmslegal.com>; Matthew D. Zapadka <matthew.zapadka@agg.com>; Kwon, Janice J. <kwon@clm.com>

**Subject:** Re: Kaneka v. DFH -- Expert Depositions & Pretrial Exchanges

Ty,

If you are unable to provide us 7 hours of Dr. Banakar's time during the month and half period requested, please let us know when you you are available to meet and confer on this, thanks.

Gerry

On May 23, 2025, at 3:59 PM, Griffin, Gerald <[griffin@clm.com](mailto:griffin@clm.com)> wrote:

Ty,

It sounds like we can work out a date when he returns to the United States on June 23. Please provide us 7 hours of Dr. Banakar's time in the United States between June 23 and July 21. If you are representing that he does not have any time during this period, then please provide us 7 hours of Dr. Banakar's time between June 9 and July 21 anywhere in the world at anytime of the day, thanks.

Gerry

On May 23, 2025, at 2:49 PM, Ty W. Callahan <[TCallahan@rmmslegal.com](mailto:TCallahan@rmmslegal.com)> wrote:

Gerry,

June 4 is the only date that Dr. Banakar is available for deposition. We talked with him again today to specifically attempt to find a date later in June per your request. And it is not possible. He is currently in India, and he was scheduled to be out of the country, handling another work obligation, the week of June 2. However, he cancelled/changed that work obligation and is returning to the US from India so that he could be deposed in this matter within the short expert deposition time window under the scheduling order. In other words, he is flying from India

directly to Chicago so he could be deposed on June 4. He then has a return flight to India on June 5. He is out of the country and does not return to the US until around June 23. And he has other preexisting work obligations/commitments the last week in June and in early July that he cannot change. In short, we specifically tried to find another date but were not able to do so.

With regard to witness identification, under the Local Rules, it is Plaintiff's obligation to identify its witnesses first. See D. Del. LR 16.3(d)(1); D. Del. LR 16.3(c)(7). Nevertheless, as reflected in my May 22 email, Defendants are amenable to an accelerated schedule with mutual exchanges by which to accomplish identification of witnesses. Accordingly, please identify Plaintiff's proposed witnesses by May 27 and Defendants will identify their proposed witnesses thereafter. In the spirit of disclosure, we have not yet determined whether or not Ms. Karas will testify live at trial as part of Defendants' case and, accordingly, suggest you proceed as if she will not be at trial. If Defendants determine that Ms. Karas will be a rebuttal witness in their case, we will advise you accordingly, and at least a week prior to the deadline for exchange of deposition designations. However, should Defendants indicate that Ms. Karas may testify in Defendants' rebuttal case, such determination is not intended to suggest that Ms. Karas is available to testify in Plaintiff's case in chief or that Ms. Karas will testify on multiple occasions during trial.

Regards,

Ty

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**From:** Griffin, Gerald <[griffin@clm.com](mailto:griffin@clm.com)>  
**Sent:** Thursday, May 22, 2025 9:11 PM  
**To:** Ty W. Callahan <[TCallahan@rmmslegal.com](mailto:TCallahan@rmmslegal.com)>  
**Cc:** Paul J. Molino <[paul@rmmslegal.com](mailto:paul@rmmslegal.com)>;  
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David E. Moore <[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)>; Bindu A. Palapura <[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)>; Andrew M. Moshos <[amoshos@potteranderson.com](mailto:amoshos@potteranderson.com)>; Katie A. Boda <[kboda@rmmslegal.com](mailto:kboda@rmmslegal.com)>; Eric R. Hunt <[ehunt@rmmslegal.com](mailto:ehunt@rmmslegal.com)>; Claude Vandevender <[cvandevender@rmmslegal.com](mailto:cvandevender@rmmslegal.com)>; Matthew D. Zapadka <[matthew.zapadka@agg.com](mailto:matthew.zapadka@agg.com)>; Kwon, Janice J. <[kwon@clm.com](mailto:kwon@clm.com)>

**Subject:** Re: Kaneka v. DFH -- Expert Depositions & Pretrial Exchanges

Ty,

Please let us know when Dr. Banakar is first available for deposition after June 4. That date is no longer available for us given your current anticipation that he will provide a non-infringement report on May 30. We will get back to you on your proposal for pretrial exchanges, in the meantime, please confirm that Ms. Karas will be available at trial, thanks.

Gerry

On May 22, 2025, at 2:26 PM, Ty W. Callahan <[TCallahan@rmmslegal.com](mailto:TCallahan@rmmslegal.com)> wrote:

Gerry,

With regard to Dr. Banakar, we currently anticipate that he will provide a non-infringement report on May 30. With regard to his invalidity report, as we stated on Tuesday's meet and confer, we are willing to withdraw his report provided that Dr. Myerson does not conduct and rely on any additional testing beyond that reflected in his infringement report. With regard to deposition, Dr. Banakar will not sit for deposition twice, if that is what you are suggesting. Further, his only availability is the June 4 date that we initially proposed—he is unavailable, out of the country, the week of June 9 for deposition, which we reconfirmed since your request for additional dates.

On or before June 3, please let us know the names of the individuals (including court reporter, videographer) attending the deposition of Dr. Banakar at our offices in Chicago on June 4 (starting at 9:00 a.m.), so we can advise security. Our offices are located at 6 W. Hubbard Street, Chicago, Illinois. The deposition will take place on the 8<sup>th</sup> floor.

With regard to Mr. Zoltowski, we appreciate the offer to use your offices. However, we were working on (and have now confirmed) alternative arrangements. Specifically, Mr. Zoltowski will be available for deposition on June 10 (starting at 9:00 a.m.), in New York, at the offices of Cozen O'Connor (3 WTC, 175 Greenwich Street 55th Floor, New York, NY 10007). On or before June 9, please let us know the names of the individuals (including court reporter, videographer) attending the deposition, so Cozen can advise security.

With regard to the identification of witnesses for trial, we presumed the parties would be identifying their respective witnesses pursuant to LR 16.3(c)(7) and 16.3(d)(1)-(2). Nevertheless, we are open to identifying witnesses on an alternative schedule (and propose doing so in advance of the deadline for deposition designations). We also note that the Court's Supplemental Scheduling Order (D.I. 339) does not account for (1) Objections to Counter-Designations and any Counter-Counter-Designations; and (2) the fact that expert discovery concludes after the deadline to exchange Exhibit Lists. Accordingly, we propose to add corresponding deadlines to the schedule for pretrial exchanges, with the complete schedule for pretrial exchanges being as follows:

Event	Date	Ru
Parties Exchange List of Witnesses for Case-in-Chief	May 27, 2025	De L.R
Parties Exchange List of Witnesses for Rebuttal Case	June 3, 2025	De L.R
Plaintiff Sends Draft of Pretrial Order	June 3, 2025	L.R L.R L.R L.R
Parties Exchange Deposition Designations; and Exhibit Lists	June 10, 2025	DI L.R
Parties Exchange Objections to Deposition Designations and Counter-Designations; and Objections Exhibit Lists	June 17, 2025	DI L.R
Parties Exchange Objections to Witness Lists	June 17, 2025	De L.R
Parties Exchange Supplemental Exhibit Lists (adding, if necessary, exhibits from expert discovery)	June 17, 2025	De L.R
Defendants Return Draft of Pretrial Order	June 18, 2025	L.R L.R L.R
Parties Exchange Objections to Supplemental Exhibit Lists	June 20, 2025	De L.R

Parties Exchange Objections to Counter-Designations and Counter-Counter-Designations	June 20, 2025	De L.R
Deadline to Meet and Confer re Admissibility Disputes	June 23, 2025	DI L.R
Deadline to Identify Admissibility Disputes to Court	June 26, 2025	DI L.R
Deadline to File Pretrial Order	July 3, 2025	L.R

Please let us know if Plaintiff agrees to Defendants' proposed additions to the schedule for pretrial exchanges.

Regards,

Ty

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**From:** Griffin, Gerald <griffin@clm.com>  
**Sent:** Tuesday, May 20, 2025 5:27 PM  
**To:** Ty W. Callahan <TCallahan@rmmslegal.com>; Paul J. Molino <paul@rmmslegal.com>  
**Cc:** sbrauerman@bayardlaw.com; rgolden@bayardlaw.com; Basrawi, Jodutt M. <basrawi@clm.com>; Trivigno, Leonardo <Trivigno@clm.com>; Spelman, Meredith B. <spelman@clm.com>; David E. Moore <dmoore@potteranderson.com>; Bindu A. Palapura <bpalapura@potteranderson.com>; Andrew M. Moshos <amoshos@potteranderson.com>; Katie A. Boda <kboda@rmmslegal.com>; Eric R. Hunt <ehunt@rmmslegal.com>; Claude Vandevender <cvandevender@rmmslegal.com>; Matthew D. Zapadka <Matthew.Zapadka@agg.com>; Kwon, Janice J. <kwon@clm.com>  
**Subject:** RE: Kaneka v. DFH -- Expert Depositions

Ty,

Understood, we will take Dr. Banakar's deposition on June 4 in Chicago and Mr. Zoltowski deposition on June 10 in New York. You are welcome to use our offices for Mr. Zoltowski deposition if you want. We assume by your email that you will not withdraw Dr. Banakar's expert report. We also assume that Dr. Banakar will be your non-infringement expert and will be submitting another expert report on May 30. Please confirm. If so, please provide us additional dates for his deposition the week of June 9. Please also let us know whether you will be calling any additional experts at trial. Please also let us know who you will be calling as fact witnesses at trial. Please note that we intend to call Ms. Karas as a direct witness, thank you.

Gerry

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**Gerald W. Griffin**

Partner

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**From:** Ty W. Callahan <[TCallahan@rmmslegal.com](mailto:TCallahan@rmmslegal.com)>

**Sent:** Tuesday, May 20, 2025 4:03 PM

**To:** Griffin, Gerald <[griffin@clm.com](mailto:griffin@clm.com)>; Paul J. Molino <[paul@rmmslegal.com](mailto:paul@rmmslegal.com)>

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<Matthew.Zapadka@agg.com>

**Subject:** RE: Kaneka v. DFH -- Expert Depositions

Gerry,

To follow up on our conversation earlier today, we are currently anticipating expert reports from two witnesses:

1. Dr. Umesh Banakar
2. Neil Zoltowski

We only received Kaneka's opening reports on Friday (May 16), and thus that is subject to change, but that is our current anticipation.

As indicated below, Dr. Banakar is available for deposition on June 4 in Chicago. We are (and were) actively trying to finalize logistics for Mr. Zoltowski's deposition, but currently anticipate him being available for deposition on June 10 in either New York or Boston. We will follow up once we have a firm date/location to offer, but again that is our current anticipation.

We reiterate that the above is subject to change, particularly given that we only received opening expert reports on May 16, but we are trying to be transparent and provide our current expectations. As we indicated on today's call, we will continue to provide any updates regarding deposition logistics as we have them.

Regards,

Ty

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